

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>EDDIE J. HAYNES,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE NO. 2:06-cv-1093-WKW</b>
	)	
<b>CITY OF MONTGOMERY, ALABAMA,</b>	)	
	)	
<b>DEFENDANT.</b>	)	

**PLAINTIFF'S MOTION FOR EQUITABLE RELIEF**

Comes now the Plaintiff, Eddie J. Haynes, and moves the Court for reinstatement or front pay in lieu thereof, prejudgment interest, injunctive relief to restore Plaintiff's pension or retirement account to make him whole, and such other equitable and injunctive relief necessary to make Plaintiff whole. In support of this motion, Plaintiff avers as follows:

1. In Plaintiff's Complaint, he sought an order requiring Defendant to reinstate him to employment or front pay in lieu thereof, an award of back pay and fringe benefits (plus interest), compensatory damages, declaratory relief, injunctive relief, and such other relief and benefits as the cause of justice may require. The Pretrial Order in this case entered on February 21, 2008 recognized that Plaintiff was seeking this same relief.

2. This case went to trial on March 24, 2008 and on March 27, 2008 the jury rendered its verdict, finding the Defendant violated the Plaintiff's rights under the Americans with Disabilities Act and finding the Plaintiff should be awarded damages for back pay in the amount of \$90,000 and for emotional distress and mental anguish in the amount of

\$270,000.

3. Immediately after the verdict, Plaintiff moved in open court for reinstatement, an adjustment to Plaintiff's pension or retirement account to make Plaintiff whole, and for such other relief as necessary to make Plaintiff whole. This Court orally ordered, and ordered in writing on April 3, 2008, that Plaintiff file his motion for such equitable relief on or before April 18, 2008.

4. For the reasons set out in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Equitable Relief, Plaintiff asks this Court to order Defendant to reinstatement him to the position of Firefighter or, alternatively, award front pay to Plaintiff in lieu thereof, award prejudgment interest to Plaintiff, order Defendant to restore Plaintiff's pension and retirement account to return Plaintiff to the position he would be in if he had not been discriminated against by Defendant, and grant Plaintiff such other equitable and injunctive relief necessary to make Plaintiff whole.

/s/ Gerald L. Miller  
GERALD L. MILLER (MIL039)  
/s/ Keith E. Brashier  
KEITH E. BRASHIER (BRA113)  
Attorneys for Plaintiff

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of April, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Allison H. Highley  
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/s/ Gerald L. Miller  
OF COUNSEL